

EPA Region 5 Records Ctr.



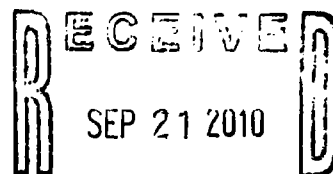
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Superfund Division Remedial
Response Branch #2

September 15, 2010

Certified Mail; Return Receipt Requested

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Thomas R. Short, Jr., Chief
Remedial Response Branch #2
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Eagle Zinc Site, Hillsboro, IL: The Sherwin-Williams Company

Dear Counsel and Mr. Short,

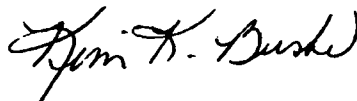
Tom Krueger
Justin Savage
Cathy Rojko
Thomas Short
September 15, 2010
Page 2

I write in reply to EPA's undated "Urgent Legal Matter" letter received September 10, 2010 providing Notice of Potential Liability (Hillsboro, IL Site) and electing not to use the special notice procedures of CERCLA Section 122(e).

Sherwin-Williams (SHW) writes to correct factual misstatements in EPA's letter. As noted in prior correspondence with EPA, the most recent being my April 7, 2010 letter (attached), SHW had previously reached an agreement on May 8, 2008 with EPA and DOJ to settle EPA's claims against SHW. However, after the May 8 meeting, EPA and DOJ elected not to consummate the agreement, as you well-know. Page 2, paragraph 2 of EPA's undated letter states that SHW's interest in performing response actions was contingent on SHW's conditions that any settlement (i) resolve all of SHW's liability, or (ii) require participation by all of the other PRPs. The latter condition (participation by all PRPs) is news to us, and was never discussed or communicated by me or anyone on behalf of SHW to EPA or DOJ at any time. As to the former condition, resolution of future liability, that is exactly what EPA and DOJ agreed to during our May 8, 2010 meeting in return for SHW's settlement payment of \$500,000.

Please include this letter, and my enclosed letter of April 7, 2010 containing SHW's settlement offer (to which neither EPA nor DOJ responded) in the administrative record pursuant to CERCLA Section 113(k). As a matter of professional courtesy, could counsel for EPA or DOJ respond to SHW's April 7, 2010 settlement offer? Thank you.

Sincerely yours,



Kim K. Burke

c. Donald J. McConnell, Sherwin-Williams

Encl.